

SENATE BILL 1948
By Springer

AN ACT relative to the charter of the Town of Centerville and to amend Chapter 482 of the Private Acts of 1911, and all acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The charter of the Town of Centerville in the County of Hickman, Tennessee, being Chapter 482 of the Private Acts of Tennessee for 1911, and all acts amendatory thereto, is amended to read as follows:

CHARTER OF THE TOWN OF CENTERVILLE, TENNESSEE

ARTICLE I. CORPORATE EXISTENCE, NAME AND BOUNDARIES

Section 1. Incorporation and name.

The inhabitants of the Town of Centerville, in the County of Hickman, State of Tennessee, be, and they are, hereby constituted a body politic and corporate under the name and style of the "Town of Centerville", and under that name may have perpetual succession; may sue and be sued, plead and be impleaded; grant, receive, purchase, and hold real, mixed, and personal property; and may have and use a common seal and may alter the same at pleasure.

Section 2. Boundaries.

The corporate boundaries of the Town of Centerville shall be as follows to wit:

Beginning at a point in the center of the Duck River at the South Central Tennessee Railroad Bridge on Tax Map 107. Then upstream to the center of the bridge at West End Avenue. Then following the north right-of-way of West End Avenue to

82221949

82221949

001598

00159847

Parcel Number 32.01. From this point follow west property line of Parcel 32.01, then the west and north property line of Parcel 31.01 to the northeast corner of Parcel 31.01.

Then go in a northeast direction to a point on a creek 100 feet from the Duck River. From this point follow a line that is parallel to and at a distance of 1,500 feet from Tennessee State Route 100 and 48 on Tax Maps 107, 108, and 95 to lot number 27 on Hickory Street. From this lot follow the property lines around the end of Hickory Street, west 275 feet north 370 feet, east 325 feet to a point on property line of lot number 30 on Tax Map 84. From this point go in a northerly direction, following a line parallel to and at a distance of 1,500 feet from State Route 100 and 48, 2,050 feet to a point. Then in a northwesterly direction parallel to and at a distance of 1,300 feet from Skyview Drive to the north corner of Parcel 101 on Tax Map 84. From this point follow property line to the southeast corner of Parcel 105. From this point go west 900 feet to a corner on the south property line of Parcel 105 on Tax Map 84. From this point go in a southwesterly direction along the property line between Parcel 105, 107, 107.02, and 106 on Tax Map 84, continuing to a point on the property line between Parcel 164 on Tax Map 84 and Parcel 41 on Tax Map 83, 200 feet from Aydelott Drive. From this point follow the property line 200 feet to Aydelott Drive and continue past Aydelott Drive 350 feet to a point. From this point go in a northerly direction to the south property line of Parcel 21.05 on Tax Map 83, 100 feet from the southwest corner of this Parcel.

Then go in a northwesterly direction 550 feet to the northwest property line of Parcel 21.19 on Tax Map 83. From this point go to a point on a pipeline 500 feet from Aydelott Drive. From this point follow pipeline to Puckett Road from that point follow Puckett Road to Bend Road. From this intersection go 650 feet in a direction perpendicular to Skyview Drive to a point 400 feet from Skyview Drive. From this point go west 950 feet, then northwest approximately 1,500 feet to a point. From this point go northeast 1,000 feet crossing Goodrich Road to a point on the property line between Parcel 4.40 and 4.14 on Tax Map 83. From this point go in an easterly direction north of

Goodrich Road and Skyview Road to a point on a pipeline 400 feet north of Skyview Road. From this point go in a northerly direction along the property line between Parcels 8 and 7 on Tax Map 83 to the northwest corner of Parcel 8 on Tax Map 72.

From this point go in an easterly direction, crossing a street, to a point on the east property line of Parcel 8.01 on Tax Map 71, 50 feet south of the northeast corner of Parcel 8.01 on Tax Map 71. From this point go in a northeasterly direction to the intersection of the property line between Parcel 14 and 15 on Tax Map 71 and State Route 48. From this point follow the property line in a northeasterly direction, continuing on property line between Parcel 18 and 24 on Tax Map 71 to the north corner of Parcel 18.

From this point go along the property line in a southeasterly direction and continue past the property 4,950 feet to a point in the middle of Parcel 31.01 on Tax Map 71. From this point go in a southeasterly direction to a point in the middle of Parcel 90 on Tax Map 71, 400 feet from State Route 100. From this point go in a northeasterly direction on a line parallel to and at a distance of 400 feet from State Route 100, 1,400 feet to a point in the middle of Parcel 30 on Tax Map 71. From this point on the western side of Parcel 102 and the southeast corner of Parcel 101 of Tax Map 71, thence southeasterly along western boundary of Parcel 102 to its southern corner, thence south along western boundary of Parcel 105, thence easterly along southern boundary of Parcel 105 to the southeastern corner of said parcel, thence crossing Parcel 106 on Tax Maps 71 and 70 and running parallel to Highway 100 approximately 1,000 feet from said right of way to the southwestern side of Parcel 55 on Tax Map 70, thence southeast along Parcel 55 to the southern corner, thence northeast along eastern side of Parcel 55 to a point approximately 1,000 feet south of Highway 100 right-of-way, thence east across Parcel 54 running parallel with Highway 100 and 1,000 feet from said right-of-way to a point approximately 120 feet west of Parcel 53, thence north across Parcel 54 to the southeast corner of Parcel 54.0, thence northeast along the common boundary of

Parcels 54.0 and 54 to the southern right-of-way of Gray's Bend Road, thence northwest along southern right-of-way to the southern right-of-way of Highway 100, thence east along the southern right-of-way of Highway 100 to a point south of the southeastern boundary of Parcel 3, thence north across Highway 100 to southeast corner of Parcel 3 and continuing northwest along the eastern boundary of Parcel 3 to a point on the eastern boundary of Parcel 2.01, thence west across Parcel 2.01 to a point on the eastern side of Parcel 28 approximately 1,900 feet north from Highway 100 right-of-way, thence south along common boundary of Parcels 2.01 and 28 to a point approximately 1,100 feet north of Highway 100 right-of-way, thence southwest across Parcels 28 and 29 and parallel with Highway 100 approximately 1,100 feet north of Highway 100 right-of-way to a point on the eastern side of Parcel 30.01 on Tax Map 71, thence north, west, southwest, and south around Parcel 30.01 to a point on the western boundary of same parcel and approximately 1,100 feet north of Highway 100 right-of-way, thence west running 200 feet across, Parcel 30 and 1,100 feet north of Highway 100 right-of-way to a point within same parcel, thence south to the existing Centerville City Limits at a point approximately 400 feet north of Highway 100 right-of-way.

From this point again, go 700 feet in a southeasterly direction to the east corner of Parcel 101 on Tax Map 71. From this point go 700 feet in a southeasterly direction to the east corner of Parcel 101 on Tax Map 71. From this point go in a southwesterly direction to the east corner of Parcel 43 on Tax Map 84. From this point follow the southeast property line of Parcel 43, 250 feet to a point. From this point go southeast 600 feet to a point in the middle of Parcel 47 (Fairfield Church of Christ) on Tax Map 84. From this point go in a southwesterly direction to the east corner of Parcel 41.01 on the Tax Map 84. From this point follow property line of Parcel 41.01 and 41.02 to a point on property line of lot 8 on Cedar Street. From this point go in a southerly direction parallel to and at a distance of 1,600 feet from State Route 100 to a point 100 feet south of a creek. From this point go in a easterly direction in a line parallel to and at a distance of

400 feet from Green Road to a point 150 feet north of Northwest corner of Parcel 56 on Tax Map 84. From this point go south 750 feet to a point in the middle of Parcel 155 on Tax Map 84.

From this point go northwest, then southwest to a point 1,500 feet from State Route 100, in Parcel 139 on Tax Map 84. From this point go south to north property line of lot 8 on Vineyard Field Drive. From this point go east along this property line to the northwest corner of Parcel 149.02 on Tax Map 84. Follow west property line of Parcel 149.02 to the northwest corner of Parcel 149.01. From this point follow the property line on the north, east, and south side of Parcel 149.01 to the southwest corner of Parcel 149.01.

From this point follow the west property line of Parcel 147 to Haley's Road and cross this road to the south right-of-way line. Follow the south right-of-way of Haley's Road west to the east property line of Hickman County High School property. Follow the property line of Hickman County High School on the east, south and west sides of the property to a point on the southeast corner of Parcel 145 on Tax Map 95.

From this point follow a line in a southerly direction parallel to and at a distance of 1,500 feet from State Route 100 to a point 100 feet on the west side of the Duck River. Follow river upstream at a distance of 1,000 feet to north corner of Parcel 28.02 on Tax Map 108. From this point go south through Parcel 28.02 to the north corner of Parcel 28 on Tax Map 108. Follow property line of Parcel 28 and 29.01 to the south corner of Parcel 29.01 on Tax Map 119. Continue in same direction to a point in Parcel 25 on Tax Map 119 that is 300 feet from Columbia Road. From this point follow a line parallel to and at a distance of 300 feet from Columbia Road to a point on the southeast property line of Parcel 48 on Tax Map 119. From this point follow the property line southwest to Columbia Road, cross Columbia Road to a point 300 feet from Columbia Road in the middle of Parcel 90 on Tax Map 119. From this point go in a northwesterly direction with a line parallel to and at a distance of 300 feet from Columbia Road to the

south property line of Parcel 16 on Tax Map 119. From this point follow a property line to the north corner of Parcel 4 on Tax Map 119. From this point go to a point on the north right-of-way of State Route 50, 200 feet from State Route 100. Go east on north right-of-way 600 feet to a point. From this point go 100 feet northeast from the right-of-way. From this point go in southeasterly direction 500 feet crossing Moss Hollow Road to the south right-of-way. Follow the south right-of-way of Moss Hollow Road to a short road. Follow the west right-of-way of this short road and continue across State Route 50 to the south right-of-way of State Route 50. Go in a southwesterly direction 200 feet to a point near a creek. From this point go in a northwesterly direction in a line parallel to and at a distance of 200 feet from State Route 50 to a point 100 feet northwest of the southeast property line of Parcel 139 on Tax Map 119. From this point go west to the property line between Parcel 21.02 and 21.03 on Tax Map 120. From this point follow south property line of Parcel 21.02, 21.01, 4, and 5.01 to the Duck River. Go to the middle of the river and go downstream to the west property line of Parcel 93 on Tax Map 120. Follow the property line to a point 500 feet from State Route 50 on Tax Map 107. From this point go west on a line parallel to and at a distance of 700 feet from State Route 50 to a point on the easterly boundary of a 93.51 acre tract conveyed to Universal Fasteners (Parcel 124.03) as recorded in Deed Book 110, Page 821; thence, in a southerly direction along the easterly boundary of Parcel 124.03 to a point on the low water bank of the Duck River, the southeast corner of Parcel 124.03; thence in a southwesterly direction down the river and along the low water bank to the southwest corner of Parcel 124.03; thence in a northerly direction along the westerly line of Parcel 124.03 to a point on the southwest corner of a 34.16 acre tract conveyed to The Industrial Development Board of the Town of Centerville (Parcel 119.00) as recorded in Deed Book 112, Page 512; thence in a northerly direction along the westerly boundary of Parcel 119.00 to a point being the northwest corner of the Parcel 119.00; thence in an easterly direction to a point on the westerly boundary of Parcel 124.03 being the northeast corner of Parcel

119.00; thence in a northerly direction along the westerly boundary of Parcel 124.03 continuing along same line in a northeasterly direction to a point intersecting with the existing city limit. From this point go west on a line parallel to and at a distance of 700 feet from State Route 50 to a point on a pipeline on a small dam on Parcel 18 of Tax Map 106. Follow pipeline northeast, across State Route 50 to a point 800 feet from State Route 50. From this point go east on a line parallel to and at a distance of 800 feet from State Route 50 to another pipeline on Tax Map 107. Follow pipeline in northeast direction to the south right-of-way of Riverview Drive on Tax Map 96. Go west on the south right-of-way to the west property line of Parcel 1 on Tax Maps 96 and 107. Follow this property line south, then west, continue with property line of Parcel 15 on Tax Map 97 to a point in the middle of the Duck River. Go downstream to the south property line of Parcel 2 on Tax Map 97. Follow the property line to the northeast corner of Lot 14 on Tax Map 97-L. Follow the east property line to the southeast corner of Lot 11 on Tax Map 97-L. Go east to a point 50 feet, north of property line between Lots 3B and 4B on Tax Map 96-1. Go southeast to a point on the west property line of Parcel 25 on Tax Map 96. Follow the property line south 750 feet to the north right-of-way of Riverview Drive. Follow north right-of-way of Riverview Drive to Grinders Switch Road and follow Grinders Switch Road to a point 400 feet from Upper Shipps Bend Road. From this point [and] go in a southerly direction to the southwest corner of Parcel I9, Tax Map 107. From this point go in a southwesterly direction to a point 800 feet north of State Route 50. From this point go east with a line parallel to and at a distance of 800 feet from State Route 50 to the property line of the South Central Tennessee Railroad. Follow the property line of the South Central Tennessee Railroad east to the railroad bridge over the Duck River. Go to the point of beginning at the center of the railroad bridge.

Section 3. Wards may be created by ordinance.

The Board of Mayor and Aldermen may divide the town into wards and define their boundaries by ordinance, and may from time to time alter same; provided, that the number of wards shall not be greater nor less than five (5).

ARTICLE II. OFFICERS AND ELECTIONS

Section 1. Terms of aldermen.

On the first Saturday in October of 1978 and first Saturday in October of 1979, the regular annual elections will be held to elect successors for those officers whose terms expire in those years. After the 1979 election, elections will be held biennially on the first Saturday in October of odd-numbered years, and officers will serve terms as hereinafter set forth:

On the first Saturday in October of 1978, an election shall be held in the Town of Centerville for the election of five (5) aldermen, one (1) from each ward, whose term of office shall be three (3) years. On the first Saturday in October of 1979, an election shall be held in the Town of Centerville for the election of five (5) aldermen whose terms of office shall be four (4) years. The successors of the aldermen elected in 1978 shall be elected on the first Saturday in October of 1981 for a four-year term, and thereafter the terms of all aldermen will be four (4) years, half to be elected on alternate odd-numbered years.

Section 2. Term of mayor.

On the first Saturday in October of 1978, a mayor shall be elected to serve three (3) years. On the first Saturday in October of 1981, a mayor shall be elected to serve a four (4) year term, and thereafter the term of the mayor shall be four (4) years with the election falling in odd-numbered years.

It is the intention to elect five (5) aldermen on the first Saturday in October of odd-numbered years beginning in 1979 and the mayor and five (5) aldermen on the first Saturday in October of odd-numbered years beginning in 1981 for four-year terms.

Section 3. Dates for municipal elections.

The Board of Mayor and Aldermen may by ordinance change the date of municipal elections. The new election date shall not become effective until after the next election. The ordinance changing the election date shall provide for the extension of the terms of members of the Board of Mayor and Aldermen as necessary to meet the election date, but no term may be extended for more than two (2) years beyond its regular expiration date.

Section 4. Officers required to reside in town.

Every officer of the Town of Centerville, whether elected by the qualified electors or by the Board of Mayor and Aldermen, shall have been a resident of the Town of Centerville for not less than one (1) year immediately preceding his election, and shall continue to reside within the town during the term of his office. The aldermen shall reside in their respective wards for not less than sixty (60) days preceding their election, and shall continue to reside therein during their term of office.

Residence for at least one (1) year within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

Any officer moving from such officer's ward, in the case of an alderman, or moving from the municipality, in the case of the mayor, during the term of office shall be presumed to have vacated the office, and it shall be declared vacant, and filled as provided in Article 2, section 7.

Section 5. Qualifications of voters.

All elections provided for in this act or by the general laws of the State of Tennessee applicable to municipal corporations shall be held under the laws, rules, and regulations governing state and county elections in such town, and all persons who are qualified to vote for the members of the General Assembly of the state, and all registered voters of the state who own real property in the town shall be entitled to vote in all municipal elections.

Section 6. Beginning of Elected Officials Terms.

Such officials so elected shall hold their offices from the second Tuesday of October of the year in which elected and until their respective successors are elected and qualified, unless their term of office is sooner terminated by death, resignation, or legal removal for misfeasance or nonfeasance in office.

Section 7. Filling vacancies on Board of Mayor and Aldermen.

The Board of Mayor and Aldermen shall elect an alderman to the office of vice mayor who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(1) By affirmative vote of a majority of the remaining members, the Board of Mayor and Aldermen shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired four-year term for alderman or mayor that remains beyond the next municipal election shall be filled by the voters at such election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in such election.

(2) All such elections by the Board of Mayor and Aldermen shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the Board of Mayor and Aldermen, the presiding officer shall vote to break the tie.

ARTICLE III. LEGISLATIVE DEPARTMENT

Section 1. Legislative powers vested in Board of Mayor and Aldermen.

The legislative powers of the Town of Centerville shall be vested in the Board of Mayor and Aldermen, consisting of a mayor and ten (10) aldermen, to be elected as provided in Article II herein.

Section 2. Meetings of Board of Mayor and Aldermen.

The Board of Mayor and Aldermen shall fix the times, by ordinance, at which the regular meeting of such Board shall be held. Until otherwise provided by ordinance, the regular meetings of such Board shall be held at 7:00 o'clock p.m., on the second and

fourth Tuesday of each month, and may adjourn from time to time for the transaction of business; but whenever, in the opinion of the mayor, the welfare of the town demands it, the mayor shall call special meetings of the Board of Mayor and Aldermen by written call, which shall be served by a member of the police department upon aldermen then in the Town of Centerville, and such police officer shall make return over his signature, showing the names of the aldermen served, with a statement that he has served such call upon those named in his return. Such call shall specify the purpose of the meeting, and, together with officers' return, shall be spread upon the minutes of the meeting, and the business of such meeting shall be restricted to the object so stated.

If at any time, in the opinion of any five (5) aldermen, the welfare of the town demands that a special meeting be called, and the mayor be absent from the town or unable for any reason to call such meeting or shall refuse to call same, the recorder shall, upon the written request of five (5) aldermen, call such meeting in the manner and form hereinbefore provided. Such meeting shall be called to order by the recorder, and the aldermen present shall proceed to elect one (1) of their number mayor pro tempore, who shall be vested for the time with the same power as the mayor, but shall not act as an alderman. If the mayor is absent from any meeting of the board, it shall be the duty of the recorder to call the meeting to order, and the aldermen shall proceed to elect a mayor pro tempore, who shall act as mayor for the time in the same manner as above provided for special meetings called by the recorder.

Section 3. Number required for quorum, etc.

A majority of the members of the Board of Mayor and Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and under an ordinance for that purpose may compel the attendance of absent members by fine and forfeitures.

Section 4. Rules of procedure during meetings.

The Board of Mayor and Aldermen may determine its own rules of procedure except as herein provided, and prescribe the punishment of members or other persons for disorderly conduct during the meetings of the Board of Mayor and Aldermen and enforce the same; and the mayor shall have the power, with consent of the aldermen, to direct that any person not a member of the Board of Mayor and Aldermen who shall be guilty of such boisterous or disorderly conduct as to disturb the session of the Board of Mayor and Aldermen be ejected from the room where such meetings are held, and for that purpose the mayor may call to his aid any member of the police department, and the Board of Mayor and Aldermen may by ordinance provide proper penalties for the refusal of any members of the police department to obey the orders of the mayor when summoned for such purpose by him.

Section 5. Salaries of the Mayor and Board of Aldermen.

The salaries of the Board of Mayor and Aldermen and of all other officers of the municipality shall be fixed by such board by the ordinance establishing the annual budget.

Section 6. Requisites of ordinances.

All ordinances of the Town of Centerville shall begin with an enacting clause as follows, to wit: "Be it ordained by the Board of Mayor and Aldermen of the Town of Centerville," and shall conclude with provisions as follows, to wit: "This ordinance shall take effect from and after its passage, the welfare of the town demanding it;" but this section shall not be so construed as to prevent the Board of Mayor and Aldermen substituting such time as it may desire in the concluding clause instead of the words "from and after its passage." No ordinance shall become a law until it shall have passed on two (2) different days, and shall have received, on its final passage, the affirmative vote of a majority of the entire Board of Mayor and Aldermen.

Section 7. Powers by ordinance.

The Board of Mayor and Aldermen shall have control of the finances of the Town and all the property of the corporation, real, personal, and mixed, and shall have the power by ordinance to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner allowed by law;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of

Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereto, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises, except where limited by State or Federal law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The Board of Mayor and Aldermen may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years

or less, but not longer. The Board of Mayor and Aldermen may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, §§ 7-31-107--7-31-111 and 29-16-114, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the Board of Mayor and Aldermen;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by such contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(28) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

ARTICLE IV - EXECUTIVE DEPARTMENT

Section 1. Oaths of office.

The mayor, after his election, shall take an oath of office to support the constitution of the state and faithfully discharge the duties of the mayor's office, before any officer authorized to administer oaths. This officer or the mayor shall then induct the aldermen into office by administering to them a similar oath of office. Oaths of office shall be filed in the archives of the municipality.

Section 2. Duties of mayor.

The mayor:

(1) Shall be the chief executive officer of the municipality and shall preside at meetings of the Board of Mayor and Aldermen;

(2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the Board of Aldermen;

(3) Shall make temporary appointments of any officer, except that of Alderman, arising from the sickness, absence or other temporary disability and shall report any such appointment to the Board of Mayor and Aldermen at its next regular meeting.

(4) The Board of Aldermen may confirm or reject the mayor's temporary appointments or at its discretion make its own temporary appointments. Appointments to fill vacancies in office shall be filled by the Board of Mayor and Aldermen as provided for in this Charter.

(5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(6) As a member of the Board of Mayor and Aldermen, shall have a vote on all matters coming before the board resulting in a tie vote;

(7) Shall make appointments to boards and commissions as authorized by law.

Unless otherwise designated by ordinance by the Board of Mayor and Aldermen, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Those duties set forth for the city administrator in Article IV, Section 4, if the Board of Mayor and Aldermen does not appoint a city administrator or if someone else is not designated by the Board of Mayor and Aldermen to perform those duties.

(2) (A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the Board of Mayor and Aldermen;

(B) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(3) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the Board of Mayor and Aldermen;

(4) Prepare and submit the annual budget and capital program to the Board of Mayor and Aldermen for their adoption by ordinance; and

(5) Such other duties as may be designated or required by the Board of Mayor and Aldermen.

Section 3. Duties of the Board of Aldermen.

The Board of Aldermen may:

(1) Elect or appoint such officers and department heads as it deems necessary for the proper administration of municipal affairs;

(2) Appoint a city administrator; and

(3) In the absence of the mayor and vice-mayor, elect an alderman to act as presiding officer.

Section 4. Duties of city administrator.

The Board of Mayor and Aldermen may create by ordinance the position of city administrator, who shall be under the control and direction of the Board of Mayor and Aldermen.

The city administrator shall report and be responsible to the Board of Mayor and Aldermen. The salary for the City Administrator shall be established in the ordinance adopting the annual budget and capital program.

The Board of Mayor and Aldermen may, by ordinance, require the city administrator to perform any or all of the following duties:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the Board of Mayor and Aldermen for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (3) Keep the Board of Mayor and Aldermen fully advised as to the conditions and needs of the municipality;
- (4) Report to the Board of Mayor and Aldermen the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (5) Recommend to the Board of Mayor and Aldermen and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the Board of Mayor and Aldermen; and

(7) Perform such other duties as may from time to time be designated or required by the Board of Mayor and Aldermen.

Section 5. Duties of City Recorder

(1) Appointment --The Board of Mayor and Aldermen shall appoint a recorder, who also may be appointed to the position of treasurer.

(2) Compensation --The compensation of the recorder shall be fixed by the Board of Mayor and Aldermen by ordinance.

(3) Performance bond and oath of office --The recorder shall make and execute a good and sufficient bond for the faithful performance of his duties in such amount as may be required by the Board of Mayor and Aldermen and to take an oath to support the Constitution of the State of Tennessee and the United States, and to faithfully execute the duties of the office of recorder.

(4) Recorder's functions at Board of Mayor and Aldermen meeting -- The recorder or his designee shall be present at all meetings of the Board of Mayor and Aldermen, and keep a full and accurate record of all business transacted by the Board of Mayor and Aldermen to be preserved in permanent form.

(5) Custody of official records -- The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the Board of Mayor and Aldermen, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof. All such records shall be the property of the municipality.

(6) Copies of records and ordinances -- The recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in the recorder's office.

(7) Fees -- Fees for copying and certification shall be charged as established by ordinance.

(8) Other duties --The recorder shall perform such other duties as required by the Board of Mayor and Aldermen, by ordinance, and as required in this charter.

Section 6. Treasurer - Deposits of municipal funds

(1) Appointment and duties of treasurer --

(a) The Board of Mayor and Aldermen shall appoint a treasurer.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues, and disburse them.

(2) Depositories of municipal funds -

Depositories of the municipal funds shall be designated by ordinance. The Board of Mayor and Aldermen shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under Tennessee Code Annotated, Title 9, Chapter 4, Parts 1 and 4, or as provided in a collateral pool created under Tennessee Code Annotated, Title 9, Chapter 4, Part 5.

Section 7. Board of Mayor and Aldermen to fix amount of bond for officers.

Except in cases herein provided for, the Board of Mayor and Aldermen may require a bond or bonds of any officer of the Town of Centerville, and fix upon the amount and terms thereof, and such bond or bonds shall be required of all officers charged with the collection or custody of revenues, but the bond or bonds, their amounts and terms shall be prescribed by ordinance before the election of such officer.

ARTICLE V. JUDICIAL DEPARTMENT

Section 1. City Court Established.

There shall be a city court presided over by a city judge elected as provided under this article.

Section 2. Jurisdiction.

(1) Municipal Jurisdiction - The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed five hundred dollars (\$500), or the maximum penalty allowed under state law, and costs prescribed by ordinance.

(2) Concurrent Jurisdiction - the city judge shall also have the authority to exercise jurisdiction concurrent with the courts of general sessions in all cases involving the violation of criminal laws of the state within the corporate limits of the city.

Section 3. Qualifications.

The city judge shall be a resident of the Town of Centerville for one (1) year and a resident of the state of Tennessee for five (5) years immediately preceding his or her election, at least thirty (30) years old, and licensed to practice law in Tennessee.

Section 4. Election and Term.

In accordance with Art. VII, § 5 of the Tennessee Constitution, the city judge shall be elected by the qualified voters of the city for a term of eight (8) years on the date prescribed under state law for the elections of judges of the courts of general sessions and other inferior courts and every eight (8) years thereafter. The city judge shall take office on September 1 next following his or her election.

Section 5. Vacancies.

Vacancies in the office of city judge shall be filled by the Board of Mayor and Aldermen for the unexpired portion of the term.

Section 6. Salary.

The salary of the city judge shall be ten thousand dollars (\$10,000) annually, and such salary shall not be altered during his or her term of office, and shall not otherwise be altered at any time except by charter amendment or general law.

Section 7. City Court Clerks

(1) Qualification - The city court clerk shall be a resident of the Town of Centerville for one (1) year immediately preceding his or her election, and shall continuously reside within the city during his or her term of office.

(2) Election - The city court clerk shall be elected for a term of four (4) years on the date prescribed under state law for the election of clerks of the general sessions, and every four (4) years thereafter, by the qualified voters of the city. The city court clerk shall take office on September 1, following his or her election. However, during the interim period between passage of this charter amendment and September 1, 1998, the office of city court shall be filled by the board of mayor and aldermen as follows:

(a) The board of mayor and aldermen shall appoint a city court clerk to serve until the next city election falling at least one hundred eighty (180) days after his or her appointment, or until September 1, 1998, if the next regular election falls within one hundred eighty (180) days of September 1, 1998.

(b) At the next regular city election prescribed above, the city court clerk shall be elected to serve until September 1, 1998.

(3) Oath of Office - The city court clerk shall take the oath of office prescribed for clerks of courts of general sessions.

(4) Salary - The salary of the city court clerk shall be one thousand eight hundred dollars (\$1,800) annually, and that salary shall not be adjusted during the clerk's term of office, and shall not be altered any time except by charter amendment or general law.

(5) Duties - The city court clerk shall have all the powers and duties prescribed for clerks of court of general sessions by state law.

(6) Removal - The city court clerk shall be subject to removal for the same causes public officials in general are subject to removal. In addition, the city court judge may remove the city court clerk for the following reasons:

- (a) upon conviction of a misdemeanor in office or of a felony;
- (b) for failing to give security required by law or ordinance;
- (c) for failing to pay over public money collected officially;
- (d) for incapacity, neglect of duty, or misbehavior in office; or
- (e) for any cause to which the penalty of removal is attached by law.

ARTICLE VI. MISCELLANEOUS PROVISIONS

Section 1. Board of Mayor and Aldermen may provide for city attorney.

The Board of Mayor and Aldermen shall have the power by ordinance to provide for a city attorney for such town, who shall be appointed by the Board of Mayor and Aldermen and whose term of office and compensation shall be prescribed by ordinance.

Section 2. Board of Mayor and Aldermen members shall not be financially interested in city work.

No member of the Board of Mayor and Aldermen nor any officer elected by such board shall be interested in any contract or work of any kind whatever under its control or direction, directly or through officers or committees, and any contract in which any such person shall have an interest shall be void and shall not be enforced.

Section 3. Existing Ordinances

All valid ordinances of the Board of Mayor and Aldermen of the Town of Centerville, Tennessee, now in force, not inconsistent herewith, shall be and remain in full force and virtue; and all legal and subsisting bonds, taxes, assessments, obligations, liabilities, actions, claims, contracts, and prosecutions, arising under the charter of such town, in force at the time of passage hereof shall remain in control of all the property and assets of the Town of Centerville, and administer the same for the Town of Centerville,

Tennessee, under the provisions of this Act, and shall assume and discharge all legal and subsisting obligations arising under such former charter.

Section 4. Severability

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 5. Repealer

All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Centerville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the Town of Centerville and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.